

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

CENTRIPETAL NETWORKS, INC.,)
)
Plaintiff,) No. 2:18-cv-00094-HCM-LRL
)
v.)
)
CISCO SYSTEMS, INC.,)
)
Defendant.)
)
)
)

**PLAINTIFF'S MEMORANDUM IN SUPPORT OF ITS
MOTION FOR LEAVE TO FILE DOCUMENT UNDER SEAL**

Plaintiff Centripetal Networks, Inc. (“Centripetal”) submits this Memorandum in Support of Plaintiff’s Motion for Leave to File Document Under Seal pursuant to Local Civil Rule 5 of the Local Rules of Practice for this Court (“Local Rules”) to file under seal its Memorandum in Opposition to Cisco Systems, Inc.’s (“Cisco”) Motion for Miscellaneous Relief (the “Proposed Sealed Document”).

In support of this position, Centripetal states:

1. Centripetal has moved the Court for leave to file under seal the Proposed Sealed Document, which contains information regarding the Court that Centripetal does not believe has been made public, and which Centripetal believes the Court may consider confidential and sensitive. Out of deference to the Court, and consistent with Cisco’s Motion to File Under Seal (Dkt. No. 553), Centripetal moves to file under seal. The Proposed Sealed Document does not contain information confidential to the parties and Centripetal takes no position as to whether the information therein is in fact confidential. As noted by Cisco with respect to its opening Motion

(Dkt. No. 557 at 1, n.1), should the Court find that no sealing is required, Centripetal will promptly file publicly. With this Memorandum in Support of its Motion to Seal, Centripetal has also filed a Notice of Motion to Seal, a Motion to Seal, and a Proposed Order to seal the materials pursuant to Local Rule 5.

2. There are three requirements for sealing court filings: (1) public notice with an opportunity to object; (2) consideration of less drastic alternatives; and (3) a statement of specific findings in support of a decision to seal and rejecting alternatives to sealing. *See, e.g., Flexible Benefits Council v. Feltman*, No. 1:08-CV-371, 2008 U.S. Dist. LEXIS 93039 (E.D. Va. Nov. 13, 2008) (citing *Ashcraft v. Conoco, Inc.*, 218 F.3d 282, 288 (4th Cir. 2000)).

3. The reasons for sealing the Proposed Sealed Document are that it contains information regarding the Court that Centripetal believes has not been made public, and which the Court may consider highly sensitive, confidential, and/or proprietary.

4. Centripetal has met the public notice requirement by filing a separate Public Notice of the Motion to Seal for docketing. Public notice of the motion to seal is satisfied by docketing the motion “reasonably in advance of deciding the issue.” *See In re Knight Publ’g Co.*, 743 F.2d 231, 235 (4th Cir. 1984) (cited by *Ashcraft*, 218 F.3d at 302). There are no less drastic alternatives that appropriately enable the Court to preserve the confidential nature of the materials.

5. The third *Ashcraft* consideration is satisfied by the findings of fact in the Proposed Order accompanying this Memorandum.

6. Centripetal has forwarded *in camera* copies of the Proposed Sealed Document to the Court.

7. For the sake of consistency with practices governing the case as a whole, the Proposed Sealed Document should remain sealed until forty-five (45) days after the final resolution of this matter and then, returned to counsel.

Accordingly, and in satisfaction of the requirements of Local Rule 5, Centripetal respectfully asks the Court to maintain under seal the Proposed Sealed Document, and enter the Proposed Order sealing these materials.

Dated: August 31, 2020

Respectfully submitted,

/s/ Stephen E. Noona

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**ATTORNEYS FOR PLAINTIFF
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CERTIFICATE OF SERVICE

I hereby certify that on August 31, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will automatically send notification of electronic filing to all counsel of record

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